

date rec'd 7/17/19 Af

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRICKLAYERS INSURANCE AND
WELFARE FUND, BRICKLAYERS PENSION
FUND, BRICKLAYERS SUPPLEMENTAL
ANNUITY FUND, BRICKLAYERS AND
TROWEL TRADES INTERNATIONAL
PENSION FUND, NEW YORK CITY AND
LONG ISLAND JOINT APPRENTICESHIP
AND TRAINING FUND, INTERNATIONAL
MASONRY INSTITUTE, and JEREMIAH
SULLIVAN, JR., in his fiduciary capacity as
Administrator and Chairman of Trustees,
BRICKLAYERS LOCAL 1, INTERNATIONAL
UNION OF BRICKLAYERS AND ALLIED
CRAFT WORKERS and BRICKLAYERS
LABOR MANAGEMENT COMMITTEE,

Plaintiffs,

-against-

McGOVERN & CO., LLC and DANIEL
McGOVERN,

Defendants.
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SUPPLEMENTAL ORDER
ADOPTING
REPORT AND RECOMMENDATION

17-CV-6067 (SJ) (ST)

A P P E A R A N C E S

Doar Rieck DeVita Kaley & Mack
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By: Michael Robert Minnefor
Attorney for Plaintiffs

JOHNSON, Senior United States District Judge:

The facts and circumstances surrounding the above referenced action are set forth in Magistrate Judge Tiscione's Report and Recommendation of March 6, 2019 and this Court's April 23, 2019 Order adopting same. Familiarity with the facts is assumed. Dkt Nos. 15, 17.

On April 23, 2019, this Court issued an Order adopting the Report & Recommendation ("R&R") issued by Magistrate Judge Tiscione with modifications on damages. Dkt. No. 17. The R&R also recommended an injunction requiring McGovern & Co., LLC to submit to an audit under the terms described in the Collective Bargaining Agreement for the period from October 1, 2015 to June 30, 2018. Moreover, the Magistrate Judge recommended the Plaintiffs be permitted to supplement their motion for default judgment within 30 days of completion of the audit with a request for additional damages if the audit uncovered amounts owed to the Plaintiffs that were not previously awarded by the Court. The Court also adopts these elements of the R&R.

Plaintiffs are directed to serve a copy of this Order upon Defendants via First Class Mail and file a Certificate of Service with the Court.

SO ORDERED.

Dated: July 12, 2019
Brooklyn, NY

s/ Sterling Johnson Jr.

Sterling Johnson, Jr., U.S.D.J.